

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Shari T. Wilson, Secretary

BILL NO: SB 432

COMMITTEE: Education, Health, and Environmental Affairs

POSITION: Oppose

**TITLE: Environment - Sewage Sludge Utilization -
Zoning and Land Use Requirements**

BILL ANALYSIS:

This bill would prohibit the Department from issuing a sewage sludge utilization permit unless a site meets all zoning and land use requirements or ordinances of the county where the site is located.

POSITION AND RATIONALE: While the Department recognizes that land use and zoning is within the purview of local government, the Department opposes Senate Bill 432.

Maryland courts have concluded that certain local laws regulating sewage sludge utilization are preempted by State law. To the extent such local laws are not preempted, the Sewage Sludge Utilization permits include provisions making it clear that the State permit does not authorize violations of other Federal, State or local laws and regulations.

The Department recognizes County rules and any permit issued under State law would not prevent a County from requiring the permit holder to comply with local law, provided the local law is not preempted. The bill would shift responsibility for determining the status of hundreds of properties for compliance with local zoning and land use requirements and ordinances. County governments are in a much better position than a State agency to identify the applicable local requirements and ordinances and to determine whether a property complies.

It is also important to note that the language of the bill seems to reach all local ordinances, not only zoning and land use ordinances. These requirements and ordinances vary from County to County and it would be nearly impossible for the Department to determine that a site meets all requirements.

The Department's regulations mandate, and the sewage sludge utilization permits include, a variety of control measures designed to protect the public health and the environment. Land application of treated sewage sludge has many environmental benefits. Currently, one third of sewage sludge in Maryland is land applied. The Department has been working with a Task Force of stakeholders to develop a major update of the regulations governing sewage sludge utilization in the State and expects to release draft regulations for the formal public comment process in 2009.

FOR MORE INFORMATION,
CONTACT LISA NISSLEY
410-260-6301 ANNAPOLIS
410-537-3812 BALTIMORE